

Appl. No. 10/673,244
Amdt. dated October 26, 2005
Reply to Office Action of July 26, 2005

REMARKS

Claims 6 and 8-10 are canceled; claims 1, 3-5, and 11-14 are pending. Claims 1 and 11 are independent.


In the Office Action dated July 26, 2005, the Examiner allowed claims 1, 3-5 and 11-14. Additionally, the Examiner rejected claims 6 and 8-10 35 U.S.C. 103(a) as being unpatentable over Imaizumi et al. in view of Leo et al.

Since reviewing courts have held that when assessing patentability of a claimed invention, all the claim limitations must be suggested or taught by the prior art, Applicant respectfully disagrees with the Examiner's contention that the method claim is obvious. Moreover, Applicants believe the structure recited clearly affects the performance of the method for discharging a sheet from a fusing unit. However, the Applicant has canceled the method claims to facilitate prosecution and place the claims in condition for allowance.

In view of the above, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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